

IC 8-9-2

Chapter 2. Railroad Full Crew Law

IC 8-9-2-1

Definitions

Sec. 1. When used in this chapter and for the purpose of this chapter:

(a) The term "carrier" means a common carrier by railroad, and any receiver or any other individual or body, judicial or otherwise, when in possession of the business of a carrier or carriers covered by this chapter, excluding street, suburban and interurban electric railways, unless operated as a part of a general railroad system of transportation, and excluding common carriers by railroad whose main line track is twenty-five (25) miles or less in length.

(b) The term "locomotive" means any self-propelled unit operated by any form of energy or power, whether produced thereon or furnished from any outside source, and adapted for use in moving cars upon rails or for the transportation of passengers and/or freight or property, except locomotive cranes, pile-drivers, weed-burners, and other self-propelled engines or machines not used for the transportation of passengers and/or freight or property for hire.

(c) The term "light engine" means any locomotive operated without cars and not transporting passengers, freight or property.

(d) The term "passenger train" means any self-propelled unit while transporting passengers or any locomotive with one (1) or more cars constructed for the purpose of transporting passengers, baggage, mail, express or combination of either or any.

(e) The term "freight train" means any train composed of one (1) or more locomotives with one (1) or more cars or other vehicles constructed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train.

(f) The term "engineer" means a person who operates a locomotive and performs related work.

(g) The term "fireman" means a person who fires a locomotive and/or assists an engineer in the performance of his duties as such.

(h) The term "conductor" means a person having charge of the operation of a train en route, at stations and between stations, and who performs related work.

(i) The term "flagman" means a person whose duties are to furnish flag protection to the train to which he is assigned as prescribed by the rules of the carrier.

(j) The term "brakeman" means a person who assists a conductor in the operation and protection of a train, and who performs related work.

(k) The term "yard conductor" or "foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service, including supervision of the breaking up and the making up of trains, and to perform related work.

(l) The term "yard brakeman" or "helper" means a person whose

duties are to couple, uncouple, and ride cars in connection with the breaking up and making up of trains; to handle switches; and to perform related work in connection with yard switching service.

(m) The term "main track" means any continuous track over which trains operate through and between stations.

(n) The term "competent employee" means:

(1) One who is able to read and understand the time tables of the carrier by whom he is employed, and to read ordinary hand writing in the English language, and who is able to speak, hear and understand the English language, and to see, distinguish and understand the signals required by the book of rules of the carrier governing the operation of the locomotives and trains of such carrier. When defective sight can be remedied by the use of glasses or other means, such defective sight shall not thereby render an employee incompetent under this chapter.

(2) As applied to an engineer, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer.

(3) As applied to a conductor, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing conductors.

(4) As applied to a flagman, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have had at least six (6) month's experience in train service and shall have passed the regular examination prescribed by the carrier concerning the rules and regulations governing brakemen.

(5) As applied to a fireman, a brakeman, or a yard brakeman or helper, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed the regular examination prescribed by the carrier concerning the rules and regulations governing firemen, brakemen, or yard brakemen or helpers.

(6) As applied to a yard conductor or foreman, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or foremen.

(Formerly: Acts 1937, c.58, s.1.) As amended by Acts 1978, P.L.57, SEC.1.

IC 8-9-2-2

Full crew law; passenger trains

Sec. 2. It shall be unlawful for any carrier to operate, or permit to be operated, any passenger train consisting of less than five (5) cars, unless such trains shall be manned by a crew of competent

employees, which crew shall consist of not less than one (1) engineer, one (1) fireman, one (1) conductor, and one (1) flagman, except that any passenger train propelled by a gasoline or gas-electric locomotive consisting of three (3) or less cars including the locomotive, shall be manned by a crew of competent employees, which crew shall consist of not less than one (1) engineer, one (1) conductor and one (1) flagman. When any passenger train consists of five (5) cars or more, any one (1) or more of which carries passengers, or consisting of ten (10) or more cars none of which is carrying passengers, such passenger train shall be manned by one (1) brakeman, in addition to the crew prescribed for a passenger train of less than five (5) cars. No member of the crew shall be permitted or required to perform the duties of a baggage-man and/or express messenger.

(Formerly: Acts 1937, c.58, s.2.)

IC 8-9-2-3

Full crew law; freight train of less than 70 cars

Sec. 3. It shall be unlawful for any carrier to operate, or permit to be operated, any freight train consisting of less than seventy (70) cars, without a crew of competent employees which crew shall consist of not less than one (1) engineer, one (1) fireman, one (1) conductor, one (1) flagman, and one (1) brakeman.

(Formerly: Acts 1937, c.58, s.3.)

IC 8-9-2-4

Full crew law; freight train of 70 cars or more

Sec. 4. It shall be unlawful for any carrier to operate, or permit to be operated, any freight train consisting of seventy (70) cars or more, without a crew of competent employees, which crew shall consist of not less than one (1) engineer, one (1) fireman, one (1) conductor, one (1) flagman, and two (2) brakemen.

(Formerly: Acts 1937, c.58, s.4.)

IC 8-9-2-5

Full crew law; general application

Sec. 5. It shall be unlawful for any carrier to operate, or permit to be operated, any other train not specifically referred to hereinbefore, without a crew of competent employees, which crew shall consist of not less than one (1) engineer, one (1) fireman, one (1) conductor, one (1) flagman and one (1) brakeman.

(Formerly: Acts 1937, c.58, s.5.)

IC 8-9-2-6

Full crew law; locomotive handling or switching cars

Sec. 6. It shall be unlawful for any carrier to use, operate or permit any locomotive to be used or operated in any railroad yard, or on any railroad track, to handle or switch cars, or to transfer cars from one railroad to another, or from one railroad yard to another railroad yard, unless each and every locomotive, while handling or

switching cars shall be manned by a crew of competent employees, which crew shall consist of not less than one (1) engineer, one (1) fireman, one (1) yard conductor or foreman, and two (2) yard brakemen or helpers. No such employee shall be detailed to more than one (1) locomotive at the same time, or be assigned to any other service unless his place is filled by another competent employee, or the locomotive laid up during the period such employees are otherwise used, except that in case of the sudden disability of a member of such crew through sickness, accident, or death, the carrier shall have three (3) hours to replace such member, during which time such locomotive may be operated by a less number of employees than is provided herein.

(Formerly: Acts 1937, c.58, s.6.)

IC 8-9-2-7

Full crew law; single locomotive

Sec. 7. It shall be unlawful for any carrier to operate or permit to be operated, on its main track, any single locomotive, unless such locomotive is manned by a crew of competent employees, which crew shall consist of not less than one (1) engineer, one (1) fireman, one (1) conductor or flagman: Provided, however, That where two (2) or more locomotives are operated under their own power on any main track, and coupled together, there shall be provided a crew of competent employees consisting of not less than one (1) engineer, and one (1) fireman, for each locomotive, and, in addition thereto, one (1) conductor or flagman.

(Formerly: Acts 1937, c.58, s.7.)

IC 8-9-2-8

Full crew law; self-propelled crane, pile-driver, weed-burner, or other self-propelled engine or machine

Sec. 8. It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive, on its main track, in the state of Indiana, any self-propelled crane, pile-driver, weed-burner, or other self-propelled engine or machine not used for the transportation of passengers and/or freight or property for hire, which has sufficient power to draw or propel itself and one (1) or more standard railroad cars, unless such engine or machine shall be manned by a crew of competent employees consisting of not less than one (1) engineer, one (1) conductor and one (1) flagman.

(Formerly: Acts 1937, c.58, s.8.)

IC 8-9-2-9

Full crew law; disability of crew member between terminals

Sec. 9. In case of disability of a member of a crew between terminals, the carrier shall have the right to operate the locomotive or train with a less number of employees than is provided in this chapter until such locomotive or train arrives at the next terminal, or other intermediate place on the road, where employees of the same class as the disabled employee are available, when such carrier shall

fill the vacancy on such crew. This chapter shall not apply to relief or wrecking trains where sufficient employees are not available.
(Formerly: Acts 1937, c.58, s.9.) As amended by P.L.62-1984, SEC.126.

IC 8-9-2-10

Enforcement duties of department

Sec. 10. (a) The Indiana department of transportation shall enforce this chapter. However, the department shall not enforce this chapter with reference to the number of crew members as provided in sections 3 through 8 of this chapter when trains, locomotives, or other equipment are operated in Indiana with a crew complement as provided for in collective bargaining agreements between the carriers and labor organization, if it determines, after notice and hearing, that such crew complement as provided for in such collective bargaining agreement is adequate for safety of operation, and that the carrier or carriers involved shall comply with sections 3 through 8 of this chapter in effect on July 28, 1972, to the extent necessary to provide continued employment at the governing terminal for employees with a seniority date on or before July 28, 1972, and who may be affected by this section and for whom no other employment is available in freight train or switching service.

(b) Nothing in this section shall serve to reduce or regulate the exercise of seniority, vacation rights, or other fringe benefits under agreements in existence before July 28, 1972.

(c) This section is applicable on all carriers subject to this chapter, except those carriers which have collectively bargained crew consist agreements for the protection of employees who may be affected by this section, in which event the provisions of those collectively bargained agreements shall be applied as interpreted and understood to those employees, and such provisions remain in effect until the protected employees have retired, resigned, or have been dismissed for cause or otherwise removed from an individual carrier's active working list by natural attrition. Affected employees include those on furlough or leave of absence on July 28, 1972.

(Formerly: Acts 1937, c.58, s.10; Acts 1972, P.L.65, SEC.1.) As amended by P.L.62-1984, SEC.127; P.L.384-1987(ss), SEC.89; P.L.18-1990, SEC.98.

IC 8-9-2-11

Violation; penalty; action to recover; venue

Sec. 11. Any carrier operating in Indiana who willfully violates this chapter is liable to the state for a penalty of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The penalty shall be recovered and suits therefor brought by the attorney general, or under the attorney general's direction, in the name of the state on relation of the Indiana department of transportation in the circuit or superior court of a county through which the railroad may be run or operated.

(Formerly: Acts 1937, c.58, s.11.) As amended by P.L.62-1984,

SEC.128; P.L.384-1987(ss), SEC.90; P.L.18-1990, SEC.99.